

# **REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL**

**JULY 15, 2013**

**KENDALL-DEAN SCHOOL AUDITORIUM**

**7:00 P.M.**

## **OPEN FORUM**

### **Great Road Railroad Bridge**

**Mr. Robert Cornell of 272 Great Road suggested that the nearby railroad bridge be closed down. The rails are in terrible shape and no trains have delivered goods down that track in years. The road could be regraded to remove the curve where several accidents have occurred. Mr. Cornell suggested there could be a biking trail extension. He thought removal could help to alleviate the flooding problem at Cherry Brook. Woonsocket would also benefit by being able to eliminate several crossings.**

**Town Administrator Hamilton said there have been preliminary discussions with the State but both the Great Road and Central Street bridges are being reviewed.**

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### **School Department Budget**

**Mr. Ernest Alter of 600 Victory Highway expressed his appreciation to the Council members for reigning in the school department budget. He mentioned the possibility of restructuring how School Committee**

members are elected and how there needs to be changes in health care benefits.

## **REGULAR MEETING**

The meeting began at 7:00 P.M. with the prayer and the pledge to the flag. Council members present were Ms. Alves, Mr. Yazbak, Mr. Zwolenski and Mr. Flaherty (Mr. McGee arrived later). Also in attendance were Town Administrator Hamilton and Town Solicitor Lombardi.

## **HOLIDAY SALES LICENSE FOR ALDI INC. (CONNECTICUT) D/B/A ALDI INC.**

**MOTION** by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to move this item up next on the agenda.

**MOTION** by Mr. Yazbak, seconded by Ms. Alves, and voted 4 to 0 on a roll call vote to approve a holiday sales license to Aldi Inc.

Mr. Zwolenski noted that the application had been signed off by the Building Inspector, the Fire Marshal and the Tax Collector.

## **OUTDOOR DINING AT LINDY'S TAVERN RESTAURANT AND BAR**

**MOTION** by Mr. Yazbak, seconded by Ms. Alves, and voted unanimously on an aye vote to move this item up next on the agenda to be followed by the request for a sound system permit for the Holy Ghost Society of North Smithfield.

**(Mr. McGee arrived at 7:08 P.M.)**

**Owner Ronald Carter explained that he would like to add exterior decks to the front of his building to be used for outdoor dining.**

**Building Inspector Robert Benoit submitted a letter indicating that he had inspected the premises and the decks will still be in conformance with the town's zoning building setbacks.**

**MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted unanimously on a roll call vote not to object to the request to add exterior decks for outdoor dining at Lindy's Tavern Restaurant because it is the Building/Zoning Official's decision.**

## **OUTDOOR SOUND SYSTEM PERMIT - HOLY GHOST SOCIETY OF NORTH SMITHFIELD**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to grant an outdoor sound system permit for the Holy Ghost Society Festival to be held on August 3rd and 4th at the VFW Post Home located at 98 School Street.**

## **RESIGNATION OF PRESIDENT PRO TEMPORE MCGEE**

**MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted unanimously on an aye vote to move this up for immediate consideration to be followed by the election of a new president pro**

**tempore.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to accept Mr. McGee's letter of resignation as the President Pro Tempore.**

#### **ELECTION OF PRESIDENT PRO TEMPORE**

**MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted 4 to 1 on a roll call vote (Ms. Alves voted no) to nominate Ms. Alves as the President Pro Tempore.**

#### **PUBLIC HEARING RE: CHICKEN HEN ORDINANCE**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to continue this to August 5, 2013.**

#### **WIND TURBINE - DV WIND LLC**

**Mark DePasquale, president of DV Wind, reviewed what has occurred regarding the proposed wind turbine at Dowling Village during the past couple of years. He has offered the town for years 1 through 12 a lease payment of \$40,000 per year; for years 13 through 20 the lease**

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**payment increases to \$65,000 and for years 20 to 40 the lease payment would be \$78,000. The life expectancy of the turbine is approximately 25 years.**

**Mr. DePasquale added that anything over 30 percent capacity of the turbine, the town gets 10 percent of the revenue. He spoke about three options regarding rates: one would be a floating rate that goes up two percent and a second would be a fixed rate of \$14.80 for 25 years with no increase. National Grid would take what is not earned. The third option would be to sell the power at five percent less than what the town is paying for it today for the duration. The Town would pay the energy efficiency fee and the renewable energy fee to National Grid. Mr. DePasquale stated the town could purchase as much power as it wanted.**

**Mr. Zwolenski expressed his concern that he has not seen and is still waiting for documents such as the exhibits and the purchase and sales agreement. He still has numerous questions.**

**Mr. DePasquale spoke about the design of the proposed turbine.**

## **EXECUTIVE SESSION**

**MOTION by Ms. Alves, seconded by Mr. McGee, and voted unanimously on a roll call vote to enter into executive session at 7:50 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation, or work sessions pertaining to collective bargaining or litigation to discuss the proposed Agreement Re: DV Wind LLC and the proposed Wastewater Agreement with the City of Woonsocket.**

**MOTION by Mr. McGee, seconded by Ms. Alves, and voted unanimously on a roll call vote to come out of executive session at 8:40 P.M. No motions were made and no votes were taken on either issue.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on a roll call vote to seal the minutes.**

### **CONSENT AGENDA**

**Mr. Yazbak requested that the payment of bills be removed and Mr. Flaherty requested that the minutes of June 17, 2013 be removed.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to accept the following: 1.) Conservation Commission Minutes of March 12, 2013; 2.) Sewer Commission Minutes of May 15, 2013; 3.) Animal Control Monthly Report for June 2013; 4.) NSF&RS Inc. Monthly Incident Report for June 2013; 5.) NS Police Dept. Monthly Activity Report for June 2013; 6.) NS Municipal Court Monthly Activity Report for June 2013; 7.) Resolution opposing limiting local control of subdivision review from the town of Charlestown; 8.) Resolutions supporting the Municipal Road and Bridge Revolving Fund from the towns of Charlestown and Foster; and 9.) Resolution opposing exemption of certain residential properties from taxation until sold from the town of Jamestown.**

## **Town Council Minutes of June 17, 2013**

**Mr. Flaherty thought a couple of items written under the Public Hearing Regarding the Budget Fiscal Year 2014 were not what had been said. (It was determined the following day and Mr. Flaherty agreed that the Clerk's minutes were correct.)**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on a roll call vote to accept the minutes as amended.**

### **Payment of Bills**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on a roll call vote (Mr. Yazbak abstained because one of the vendors is a client) to approve payment of the following: General Fund - \$204,446.14; Sewer - \$5,969.70; Water - \$78,147.00; School Department - \$1,498,072.00; and Fire Department - \$195,147.00 for a total of \$1,981,781.84.**

### **BRAVER REVIEW OF 2013 SCHOOL AUDIT**

**Mr. Zwolenski suggested that Braver PC review the 2013 school department audit.**

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**Mr. Flaherty noted there would be a cost to do that and felt there should be some parameters before proceeding.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 1 on a roll call vote (Mr. Yazbak voted no) to approach Braver to come up with agreed upon procedures to review the 2013 school budget and to come up with an estimate.**

### **AUDITING FIRM FOR TOWN AND SCHOOL AUDITS**

**Ms. Hamilton referred to Section 45-10-4 of the RI General Laws that states in part, “School districts which are part of the primary government of a municipality shall be included in the municipality’s post audit and shall not be required to obtain a separate post audit.”**

**Mr. Yazbak commented that the school audit that is currently done by the firm Nadeau Wadovick turns over their audit to the town’s auditing firm and thus it does become incorporated into the municipality’s post audit. He feels there should be a meeting with the administrations and school committee/town council to come up with a joint plan to move forward with one auditing firm.**

### **COMPREHENSIVE PLAN ZONE CHANGES**

**Town Planner Robert Ericson explained the town did not have its Comprehensive Plan approved by the state because there had been so many zoning issues. He was told by Kevin Nelson, who runs the programs for Comprehensive Plans, to forget the 2007 plan and start anew. Mr. Ericson feels the ordinance regarding Business Agriculture is important and should be completed next. The rest of the zoning ordinances should be held over to the next**



## **Comprehensive Plan.**

### **ESTABLISHMENT OF CHARTER REVIEW COMMISSION**

**Mr. Flaherty would like to enact a resolution to establish a Charter Review Commission and he agreed to work with the Clerk to create a resolution.**

### **SCHOOL RELATED GRANTS**

**Ms. Alves would like to send a letter to the School Committee informing them that in the future, requests for donations for school related activities should be included in the School Department budget. She does not feel it should come out of the municipal budget.**

**Mr. Zwolenski and Mr. McGee agreed with Ms. Alves.**

**Ms. Hamilton had spoken with Representative Newberry and he had provided legislative information regarding donations made by cities and towns that she will provide to the Council. She believed initially there had been legislative grants which have since dwindled and were not taxpayer dollars.**

**Mr. Flaherty agreed that funding for school related activities should come from the school department budget yet he didn't want to limit the Town Council either.**

**MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted 4 to 1 on a roll call vote (Mr. Yazbak voted no) to send a letter to the School Administration and the School Committee informing them that the town will no longer fund any school related activities in the town budget.**

#### **APPOINTMENT TO REDEVELOPMENT AGENCY**

**There was no appointment.**

#### **APPOINTMENT TO BOARD OF CANVASSERS**

**MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted unanimously on an aye vote to accept the recommendation of Democratic Party Chairwoman Katrina Therien to continue the term of Cynthia Jones until March 1, 2017.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote at 9:50 P.M. to continue the meeting to 10:30 P.M.**

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#### **ADOPTION OF CAPITAL BUDGET FOR FISCAL YEAR 2014**

**Highway Department**

**MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted 4 to 1**

**on a roll call vote (Mr. Yazbak voted no) to approve \$175,000 for a large dump truck with plow.**

### **Parks and Recreation**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 1 on a roll call vote (Mr. Yazbak voted no) to approve \$90,000 for lighting at Pacheco Park.**

### **Sewer Department**

**MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted 4 to 1 on a roll call vote (Mr. Yazbak voted no) to approve \$50,000 for a 3400 truck and plow.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 1 on a roll call vote (Mr. Yazbak voted no) to approve \$45,000 for replacement valves.**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote that the Sewer Enterprise Fund reimburse the General Fund for all costs associated with the truck and the replacement valves.**

### **Water Department**

**MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted 4 to 1 on a roll call vote (Mr. Yazbak voted no) to approve \$15,000 for replacement of a pump station booster, \$5,500 for three complete**

hydrants, and \$15,000 for auto chlorine for Rhodes Ave for a total of \$35,500 with refunding to come from the Water Enterprise Fund.

#### **Police Department**

**MOTION** by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 1 on a roll call vote (Mr. Yazbak voted no) to approve \$7,000 for a copier and \$93,270 for three police cruisers for a total of \$100,270.

#### **Administration**

**MOTION** by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 1 on a roll call vote (Mr. Yazbak voted no) to approve \$11,000 for a copier at the Municipal Annex.

#### **School Department**

**MOTION** by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 1 on a roll call vote (Mr. Yazbak voted no) to approve \$55,000 for a new furnace at Kendall-Dean School with the understanding that \$30,000 has already been approved prior.

#### **ADOPTION OF WATER DEPARTMENT BUDGET FOR FISCAL YEAR 2014**

No motion was made regarding the water budget.

#### **ADOPTION OF SEWER DEPARTMENT BUDGET FOR FISCAL YEAR 2014**

Rate increases are based on projected increased costs from the City

**of Woonsocket for upgrades to the wastewater treatment plant.**

**MOTION by Mr. McGee, seconded by Ms. Alves, and voted 3 to 2 on a roll call vote (Mr. Yazbak and Mr. Zwolenski voted no) to approve the sewer department budget which represents an increase to the usage fee to \$393.00 for the year.**

**MOTION by Ms. Alves, seconded by Mr. McGee, and voted unanimously on an aye vote to adjourn at 10:26 P.M.**

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**